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6 Attorneys for Plaintiff  
J & J SPORTS PRODUCTIONS, INC.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE**  
**NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN JOSE DIVISION**

11 **J & J SPORTS PRODUCTIONS, INC.,**

12 **CASE NO. CV 10-5521-LHK**

13 **Plaintiff,**

14 **vs.**

15 **JOSE A. VIDALE, ET AL.,**

16 **Defendant.**

17  
18 **PLAINTIFF'S EX-PARTE**  
**APPLICATION FOR AN ORDER**  
**EXTENDING TIME TO COMPLETE**  
**SERVICE**

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20 **TO THE HONORABLE LUCY H. KOH, THE PARTIES, AND THEIR ATTORNEYS**  
**OF RECORD:**

21  
22 As of this date, Plaintiff has been unable to successfully serve its initiating suit papers upon  
23 Defendant Jose A. Vidales, individually and d/b/a Taqueria El Gallo a/k/a El Gallo Jr. Restaurant.

24 **WHEREFORE**, Plaintiff makes the following representations and recommendations:

25  
26 1. On December 6, 2010, Plaintiff's Complaint was filed against Defendant Jose A.  
Vidales.

27 **///**

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PLAINTIFF'S EX-PARTE APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE

2. Plaintiff has not yet perfected service of the initiating suit papers upon Defendant Jose A. Vidales, despite diligent efforts to do so.

3. As of this writing, Plaintiff's process server has made **ten (10) different attempts** to serve defendant Jose A. Vidales. These attempts have been unsuccessful (Please find a true and correct copy of the process server's Status Reports attached hereto and made part hereof as Plaintiff's Exhibit 1).

4. Notwithstanding the difficulties incurred to date regarding service, Plaintiff has identified an address that it believes *will be* successful to serve its initiating suit papers upon these particular defendants, and has notified its process server of same.

**WHEREFORE**, Plaintiff respectfully requests that the Court permit an additional thirty (30) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to the defendant.

Respectfully submitted,

Date: April 6 2011

*/s/ Thomas P. Riley*

**LAW OFFICES OF THOMAS P. RILEY, P.C.**  
By: Thomas P. Riley, Esquire  
Attorneys for Plaintiff  
J & J Sports Productions, Inc.

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**PLAINTIFF'S EX-PARTE APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE**

# Exhibit 1

THOMAS P. RILEY, LAW OFFICES OF  
1114 FREMONT AVENUE  
SOUTH PASADENA, CA 91030

Fax: (626) 799-9795  
tprlaw@att.net

Ref. No. or File No.

ATTORNEY FOR (Name): **PLAINTIFF**

TAQUERIA EL GALLO 12-6-08

Please name of court, judicial district or branch court, if any:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT  
280 SOUTH FIRST STREET  
SAN JOSE, CA 95113

PLAINTIFF/PETITIONER:

J & J SPORTS PRODUCTIONS, INC

DEFENDANT/RESPONDENT:

VIDALES

*** STATUS REPORT ***	HEARING DATE:	TIME:	DEPT/DIV:	CASE NUMBER:
Attn:				CV10-05521 HRL

We received the within process in our Process Department on February 7, 2011. We have attempted to effect service on the following party at the address(es) indicated below.

Servee: JOSE A. VIDALE, INDIVIDUALLY AND DBA TAQUERIA EL GALLO AKA EL GALLO JR.  
RESTAURANT

Residence: 2185 LUZ AVENUE, SAN JOSE, CA 95116

Business: Business address is unknown.

Our attempts at service include, but are not limited to, the following dates, times and status detail:

February 9, 2011 05:55 pm	THIS IS A SINGLE FAMILY RESIDENCE. SECURED RESIDENCE WITH NO INTERCOM, DOG IN PROPERTY. THERE IS MAIL POURING OUT OF THE MAILBOX FOR THE SUBJECT.
February 12, 2011 11:05 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 17, 2011 07:15 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. MAILBOX STILL FULL. DOG ROAMING AROUND THE PROPERTY.
February 19, 2011 08:10 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 21, 2011 08:10 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 23, 2011 06:35 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
February 25, 2011 07:00 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 27, 2011 11:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
March 2, 2011 08:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
March 5, 2011 11:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
Date: March 10, 2011	(CONTINUED ON NEXT PAGE)

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

### Absolute Service of Los Angeles

1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

\*\*\* SERVICE OF PROCESS STATUS REPORT \*\*\*

ATTORNEY OR PARTY WITHOUT ATTORNEY (FIRM) NAME

THOMAS P. RILEY, Esq., Bar No. 194706  
 THOMAS P. RILEY, LAW OFFICES OF  
 1114 FREMONT AVENUE  
 SOUTH PASADENA, CA 91030

(626) 799-9799

Fax (626) 799-9795

tprlaw@attglobal-11

Last day(s) to serve, if any:

Ref. No. or File No.

ATTORNEY FOR (Name):

PLAINTIFF

TAQUERIA EL GALLO 12-6-08

Insert name of court, judicial district or branch court, if any:

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT  
 280 SOUTH FIRST STREET  
 SAN JOSE, CA 95113

PLAINTIFF/PETITIONER:

J &amp; J SPORTS PRODUCTIONS, INC

DEFENDANT/RESPONDENT:

VIDALES

\*\*\* STATUS REPORT \*\*\*

HEARING DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

Attn:

CV10-05521 HRL

March 10, 2011 03:00 pm

DOCUMENTS HAVE BEEN PLACED ON HOLD FOR ONE WEEK PENDING  
 FURTHER INSTRUCTIONS FROM YOUR OFFICE.

Date: March 10, 2011

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

### Absolute Service of Los Angeles

1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

\*\*\* SERVICE OF PROCESS STATUS REPORT \*\*\*

**PROOF OF SERVICE (SERVICE BY MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On April 6, 2011, I served:

**PLAINTIFF'S EX-PARTE APPLICATION FOR AN ORDER EXTENDING TIME  
TO COMPLETE SERVICE**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Jose A. Vidales (Defendant)  
1520 Alum Rock Avenue  
San Jose, CA 95116

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 6, 2011, at South Pasadena, California.

Dated: April 6, 2011

/s/ Maria Baird  
**MARIA BAIRD**

**PLAINTIFF'S EX-PARTE APPLICATION FOR AN ORDER EXTENDING  
TIME TO COMPLETE SERVICE**